

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DEMOCRATIC NATIONAL COMMITTEE  
and DEMOCRATIC PARTY OF WISCONSIN,

Plaintiffs,

v.

OPINION AND ORDER

20-cv-249-wmc

MARGE BOSTELMANN, JULIE M. GLANCEY, ANN S.  
JACOBS, DEAN KNUDSON, ROBERT F. SPINDELL, JR.  
and MARK L. THOMSEN,

Defendants,

and

REPUBLICAN NATIONAL COMMITTEE  
and REPUBLICAN PARTY OF WISCONSIN,

Intervening Defendants.

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SYLVIA GEAR, MALEKEH K. HAKAMI, PATRICIA  
GINTER, CLAIRE WHELAN, WISCONSIN ALLIANCE  
FOR RETIRED AMERICANS and LEAGUE OF WOMEN  
VOTERS OF WISCONSIN,

Plaintiffs,

v.

20-cv-278-wmc

MARGE BOSTELMANN, JULIE M. GLANCEY, ANN S.  
JACOBS, DEAN KNUDSON, ROBERT F. SPINDELL, JR.,  
MARK L. THOMSEN, and MEAGAN WOLFE,

Defendants,

and

REPUBLICAN NATIONAL COMMITTEE  
and REPUBLICAN PARTY OF WISCONSIN,

Intervening Defendants.

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REVERAND GREG LEWIS, SOULS TO THE  
POLLS, VOCES DE LA FRONTERA, BLACK LEADERS  
ORGANIZING FOR COMMUNITIES, AMERICAN  
FEDERATION OF TEACHERS, LOCAL, 212, AFL-CIO,  
SEIU WISCONSIN STATE COUNCIL and LEAGUE  
OF WOMEN VOTERS OF WISCONSIN,

Plaintiffs,

v.

20-cv-284-wmc

MARGE BOSTELMANN, JULIE M. GLANCEY, ANN S.  
JACOBS, DEAN KNUDSON, ROBERT F. SPINDELL, JR.,  
MARK L. THOMSEN, and MEAGAN WOLFE,

Defendants,

and

REPUBLICAN NATIONAL COMMITTEE  
and REPUBLICAN PARTY OF WISCONSIN,

Intervening Defendants.

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The court is in receipt of the Wisconsin Legislature's renewed motions to intervene. ('249 dkt. ##118, 137.)<sup>1</sup> As indicated during the scheduling conference earlier today, these motions will be denied.

As an initial matter, the Legislature argues only that one group of defendants -- the Commissioners of the Wisconsin Elections Commission -- no longer adequately represent their interests. (Dkt. ##137, 141.) To the extent that the Commissioners have attempted to find a middle ground with respect to the upcoming election, the Legislature ignores that its interests are now fully represented by the Republican National Committee and the Republican Party of Wisconsin (jointly, the "RNC/RPW"). (See dkt. ##85, 122 (granting

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<sup>1</sup> All docket entries are to the '249 docket.

permissive intervention).) Rule 24(a) provides that intervention as of right is not appropriate where “existing parties” adequately represent the proposed intervenor’s interest. The Legislature fails to address how the RNC/RPW, as existing parties, do not adequately represent its interests. Nor could they, as the RNC/RPW has expressly incorporated the arguments made by the Legislature in both of its recent briefs. (*See* dkt. #96 at 2 n.1 (“To the extent that Defendants or the Legislature raise additional arguments for denying Plaintiffs’ motion, [the RNC/RPC] adopt those arguments as well.”); dkt. #138 at 1 n.\* (“Intervenors [the RNC/RPW] also adopt any arguments that Defendants or the Legislature raise for denying Plaintiffs’ motions.”).)

Moreover, permissive intervention under Rule 25(b) is still inappropriate as the court’s earlier concern not to “overly complicate the proceedings” (dkt. #85 at 11) remains, and indeed is stronger than ever given the surge of briefing expected to be received this evening from the many parties in these three consolidated cases, not to mention the amici filings that have been and continue to be docketed. Indeed, the Governor has now joined the Legislature in wading in on the issues before the court by an amicus brief.

Accordingly, the court will instead grant the Legislature’s request to accept its proposed opposition to plaintiffs’ motion (dkt. #143) as an amicus brief.

## ORDER

IT IS ORDERED that:

- 1) The Wisconsin Legislature’s renewed motions to intervene (dkt. ##118, 137) are DENIED.

- 2) The Wisconsin Legislature's motion for leave to file an amicus brief (dkt. #137) is GRANTED.

Entered this 1st day of April, 2020.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge